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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,067	08/17/2001	Jean-Claude Martin	Q65680	2591
7590	03/11/2005		EXAMINER HASHEM, LISA	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			ART UNIT 2645	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 09/931,067	Applicant(s) MARTIN ET AL.	
Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 01 November 2004.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-19 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

***Claim Objections***

1. Claims 18-19 are objected to because of the following informalities: they contain the spelling of 'wrist-watch' as 'wristwatch'. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 10-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,223,050 by Roberts, hereinafter Roberts, in view of U.S. Patent Application Publication No. US 2002/0132631 by Wesby et al, hereinafter Wesby.

Regarding claim 1, Roberts discloses a method for telephone communication between at least one portable object or remote timepiece (Figure 1, 152), which includes horological functions and a mobile telephone unit or mobile radiotelephone (see Abstract; column 7, lines 2-8), and a dedicated server or mobile switching office (MSC) (Figure 1, 24) for the one-way transmission of horological function data signals, wherein it includes steps of: connecting the mobile telephone unit of the portable object to a cellular telephone network, the connection to said network allowing the geographical location of the portable object to be located (as shown in Figure 1; column 5, line 24 – column 6, line 12); establishing a telephone link between the server and the portable object (column 6, lines 26-43); transmitting data signals between the server and the portable object for adjusting and/or updating the horological functions of the object; and correcting the horological functions of said object on the basis of the data signals which have

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been received and shaped (column 5, line 41 – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23). Wherein, Roberts further discloses the MSC and mobile radiotelephone able to establish two-way transmission. Wherein, the MSC sends data messages via a forward control channel (FOCC) to the mobile radiotelephone and the mobile radiotelephone sends data messages via a reverse control channel (RECC) to the MSC (column 5, line 56 – column 6, line 12).

Roberts does not disclose a two-way transmission of horological function data signals.

Wesby discloses a method for telephone communication between at least one network element (NE) (Figure 3, 300), which includes horological functions, and a dedicated server or base station (BS) (Figure 3, 102) for the two-way transmission of horological function data signals, wherein it includes steps of: connecting the NE to a cellular telephone network, establishing a telephone link (asynchronous data transmission connection) between the BS and the NE, transmitting data signals between the BS and NE for adjusting and/or updating the horological functions of the NE; and correcting the horological functions of said NE on the basis of the data signals which have been received and shaped (section 0039, line 1 – section 0047, line 12; see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose two-way transmission of horological function data signals as taught by Wesby. One of ordinary skill in the art would have been lead to make such a modification since the capability of two-way transmission of data messages between the MSC and mobile radiotelephone allow the mobile radiotelephone to send and

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request data to the MSC. Although, this transmission is not required in Roberts, the benefits of two-transmission include controlling the communication actions of the mobile radiotelephone.

Regarding claim 2, the method according to claim 1, wherein Roberts further discloses once the telephone link is established between the server and the portable object, the server transmits signals for adjusting the local time, Internet time and/or date indicated by the portable object (column 8, lines 1-23).

Regarding claim 3, the method according to claim 2, wherein Roberts further discloses the portable object includes a microprocessor with a time-keeping circuit in which the time is indicated on a first display device, wherein the time of the first display is compared and corrected to an exact time provided by the server (column 8, lines 37-45; see Fig. 4), and wherein a correction time difference between the time prior to correction and the exact time is calculated at the portable object.

Roberts does not disclose the correction time difference is transmitted to the server.

Wesby discloses a method for telephone communication between at least one network element (NE) (Figure 3, 300), which includes horological functions, and a dedicated server or base station (BS) (Figure 3, 102) for the two-way transmission of horological function data signals, wherein it includes steps of: connecting the NE to a cellular telephone network, establishing a telephone link (asynchronous data transmission connection) between the BS and the NE, transmitting data signals between the BS and NE for adjusting and/or updating the horological functions of the NE; and correcting the horological functions of said NE on the basis of the data signals which have been received and shaped (section 0039, line 1 – section 0047, line 12; see Figure 3). Wherein, the NE includes the time is indicated on a first display device,

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wherein the time of the first display is compared and corrected to an exact time provided by the server, and wherein a correction time difference between the time prior to correction and the exact time is calculated at the server and transmitted to other components within the server (section 0046, lines 1-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts to disclose the correction time difference is transmitted to the server as taught by Wesby. One of ordinary skill in the art would have been lead to make such a modification since the remote timepiece can transmit a correction time difference between the time prior to correction and the exact time to a dedicated server in order for the correction time to be used for other calculations, such as speed correction factor.

Regarding claim 4, the method according to claim 3, wherein Wesby further discloses the server inherently stores all the correction time differences which it receives from the portable object during several telephone links spaced over time, and wherein it transmits to the object, on the basis of the stored and evaluated time differences, data signals as to the state of its horological functions or adjustment data signals for updating the time base of the time-keeping circuit of the microprocessor (section 0042, lines 1-4; section 0051, lines 1-12).

Regarding claim 5, the method according to claim 4, wherein Roberts further discloses the data signals as to the state of the horological functions transmitted by the server are messages which are displayed on the first display device or on a second display device during the telephone link to inform the person wearing the portable object as to the state of the horological functions of said object (column 8, lines 37-53).

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Regarding claim 6, the method according to claim 1, wherein Roberts further discloses the portable object inherently includes means for dialing manually or automatically at programmed intervals of time, the telephone number of the dedicated server, which is inherently stored in storage means of the portable object, in order to establish the telephone link and in order to receive from the server the data signals for adjusting and/or updating its horological functions (column 5, line 41 – column 6, line 25; column 8, lines 12-23). Wherein, the transmission and reception of the time stamp may be periodic and the method includes two-way transmission between the MSC and the mobile radiotelephone.

Regarding claim 7, the method according to claim 1, wherein Roberts further discloses the server stores several telephone numbers each corresponding to a specific portable object to establish at determined intervals of time telephone links with each portable object and to adjust and update individually the horological functions of each portable object (column 6, lines 26-43; column 7, lines 29-54; column 8, lines 12-23).

Regarding claim 10, the method according to claim 1, wherein Roberts further discloses information message signals as to events or things happening, e.g. timestamp for daylight savings time, are transmitted from the server to the portable object as a function of the detected geographical location, e.g. time zone, of the portable object in the mobile telephone network, said messages inherently being displayed on a display device of the portable object (column 8, line 37 – column 9, line 24).

Regarding claim 11, the method according to claim 1, wherein Roberts further discloses time zone or display mode selection data signals are transmitted from the server to the portable object for updating a module for adjusting the time zones or a time display mode selection

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module to choose whether to display the time in 12 h or 24 h mode (column 8, line 24 – column 9, line 24).

Regarding claim 12, the method according to claim 1, wherein Roberts further discloses message or information signals are transmitted from the server to the portable object, which includes a display device for reading the messages, in order to provide it with information as to the state of its horological functions on the basis of adjustments and/or updates made to said horological functions over time (column 8, lines 37-53).

Regarding claim 15, please see the rejections to claims 1 and 3 above.

Regarding claim 16, please see the rejections to claims 3 and 4 above.

Regarding claim 17, please see the rejection to claim 5 above.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Wesby in further view of U.S. Patent No. 6,229,990 by Toshida.

Regarding claim 8, the method according to claim 1, wherein Roberts in view of Wesby do not disclose during the established telephone link, data signals of a selected number of melodies are transmitted from the server to the portable object at the request of the person carrying the portable object to update a melody generating module of the object.

Toshida discloses a radio apparatus that is capable of downloading music data, wherein a user calls a download site. Music information is transmitted from the download site and displayed on the display of the radio apparatus. The user selects the downloaded music and the downloading of the music data is started (see Abstract; column 4, lines 18-30). The music that is downloaded is updated in the recorded medium (column 6, lines 35-41).

It would have been obvious to one of ordinary skill in the art at the time the invention



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was made to modify the method of Roberts in view of Wesby to disclose the portable object that includes transmission of melodies from the server to said object taught by Toshida in order for the user to update the melody. One of ordinary skill in the art would have been lead to make such a modification to request the service updating a melody generating module of said object, by downloading or transmitting melodies from the server to said object.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Wesby and in further view of U.S. Patent No. 6,556,222 by Narayanaswami.

Regarding claim 9, the method according to claim 1, wherein Roberts further discloses, during the established telephone link (column 5, line 41 – column 6, line 25), data signals for programming the daylight savings time are transmitted from the portable object to the server to require the server to call the portable object at a determined time interval (column 8, line 54 – column 9, line 24).

Roberts in view of Wesby do not disclose programming an alarm.

Narayanaswami discloses a wearable mobile computing device/appliance (e.g. a wrist watch) with a high resolution display that is capable of wirelessly accessing information from the network and a variety of other devices. A program to set an alarm located in the watch is used to program an alarm (see Abstract; column 7, lines 36-57; column 10, lines 7-11). Wherein Narayanaswami further discloses programming of an alarm time from the computing device/appliance to a world wide web server in order to allow a world wide web server to send an alarm message to the computing device/appliance at the programmed alarm time (column 7, lines 50-62).

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the method of Roberts in view of Wesby to disclose the portable object that includes an alarm as taught by Narayanaswami in order for the user to be able to have an alarm set according to a specific time. One of ordinary skill in the art would have been lead to make such a modification to request the service of setting an alarm on the portable object, wherein the server will call the portable object at a determined time interval to set up the alarm.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Wesby and in further view of U.S. Patent No. 5,960,366 by Duwaer.

Regarding claim 13, the method according to claim 1, wherein Roberts discloses the portable object is a remote timepiece that includes a mobile telephone that may be included within a computer or an appliance (column 7, lines 2-8); which includes storage means in which the number of the dedicated server is stored, wherein said number of the dedicated server is automatically dialed at intervals of time programmed by the user of said watch (column 5, line 41, – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23). Wherein, the transmission and reception of the time stamp may be periodic and the method includes two-way transmission between the MSC and the mobile radiotelephone.

Roberts in view of Wesby do not disclose the portable object is a telephone-watch, in particular a wrist-watch including a mobile telephone.

Duwaer discloses a wrist-watch wireless telephone that comprises two-way wireless telephone circuitry and provides multimedia operation (see Figure 2; column 1, line 43 – column 3, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the method of Roberts in view of Wesby to disclose the portable object as a wrist-watch wireless telephone as taught by Duwaer to include telephone communication between the watch and the mobile telephone. One of ordinary skill in the art would have been lead to make such a modification since the portable object that is a mobile device can be included in a wrist-watch.

Regarding claim 14, Roberts discloses a portable object, in particular a portable telephone-object, for implementing the method according to claim 1, wherein said object including a microprocessor with a time-keeping circuit (column 8, lines 37-53), a mobile telephone unit, means for dialing a telephone number (see Abstract; column 7, lines 2-8), and at least one display device for the time, date and/or messages (column 8, lines 37-53), wherein it inherently includes storage means in which a call number of a dedicated server providing horological function data signals is stored, and wherein the call number stored in the storage means is able to be dialed automatically in the mobile telephone unit at programmed time intervals to establish a telephone link with said server in order to receive signals for adjusting and/or updating the horological functions of said object (column 5, line 41 – column 6, line 25; column 7, lines 29-54; column 8, lines 12-23).

Roberts in view of Wesby do not disclose the portable object is a telephone-watch, in particular a wrist-watch including a mobile telephone.

Duwaer discloses a wrist-watch wireless telephone that comprises two-way wireless telephone circuitry and provides multimedia operation (see Figure 2; column 1, line 43 – column 3, line 4). Said telephone includes a microphone and an earpiece connected to said mobile telephone unit (column 3, line 56 – column 4, line 4).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Roberts in view of Wesby to disclose the portable object as a wrist-watch wireless telephone as taught by Duwaer to include telephone communication between the watch and the mobile telephone. One of ordinary skill in the art would have been lead to make such a modification since the portable object that is a mobile device can be included in a wrist-watch.

7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Wesby in further view of Duwaer and in further view of U.S. Patent No. 5,375,018 by Klausner et al, hereinafter Klausner.

Regarding claim 18, please see the rejection to claim 2 and 14 above, wherein Roberts further discloses the server transmits signals for adjusting the local time, Internet time and/or date indicated by the portable object (column 8, lines 1-23).

Roberts in view of Wesby in further view of Duwaer do not disclose correcting pulse frequency.

Klausner discloses a method for communication between at least one portable object or remote timepiece (wrist-watch) (Figure 1), which includes horological functions (Figure 2), and a radio station for the transmission of horological function data signals, wherein it includes steps of: connecting the portable object to a radio network, the connection to said network allowing the geographical location of the portable object to be located (column 2, line 26 – column 3, line 31; column 7, lines 52-68; column 9, lines 47-50); establishing a radio link between the radio station and the portable object (column 2, line 26 – column 3, line 31); transmitting data signals between the radio station and the portable object for

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adjusting and/or updating the horological functions of the object; and correcting the horological functions of said object on the basis of the data signals which have been received and shaped (column 4, line 27 – column 5, line 2). Wherein Klausner further discloses the wrist-watch has the frequency of the voltage pulses sent to a stepping micro-motor to drive time indicating hands forward of the wristwatch, so that the wrist-watch compares the pulse frequency and an exact frequency in order for the updating data to correct said pulse frequency (column 6, line 55 – column 7, 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable telephone watch of Roberts in view of Wesby in further view of Duwaer to disclose correcting pulse frequency as taught by Klausner. One of ordinary skill in the art would have been lead to make such a modification in order for the server to perform the function of correcting the pulse frequency in a system where the server transmits signals for adjusting time on the portable object.

Regarding claim 19, please see the rejection to claim 18 above.

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***Response to Arguments***

8. Applicant's arguments, see Amendment, filed 11-1-2004, with respect to the rejection(s) of claim(s) 1-14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejections above.

9. Accordingly this action is **NON-FINAL**.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 5,920,824 by Beatty et al disclose computing the local time and date of a mobile computer when a user has traveled to a time zone different from his or her home time zone

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

March 4, 2005

  
**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**